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ABSTRACT

This report provides an account of the actions taken by Arkansas Advocates for Children and Families in the wake of the fatal school shooting in Jonesboro, Arkansas, to shape public policy affecting young children who commit serious violent crimes. Following some background information, the report's contents are: (1) "Responding to a Tragedy," which discusses building a plan of action and impacting policy through advocacy; (2) "Expressing the Public Will," which addresses influencing legislators, considering the options, and seeking humane and effective rehabilitation; (3) "Realizing Our Efforts," summarizing laws enacted during the 1999 Arkansas legislative session as a result of the organization's efforts to inform public policy; and (4) "Sharing Our Lessons." The report's concluding section offers a chronology of relevant events. (EV)

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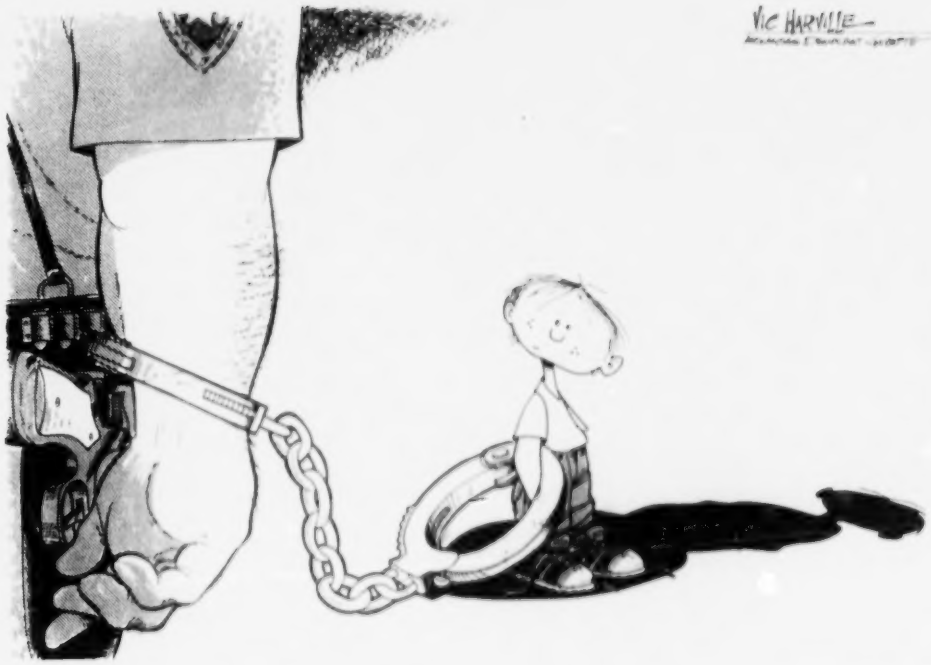

A CASE STUDY IN CHILD ADVOCACY

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You don't want to make law on the basis of pure emotion. It's easy to do that, and there's nothing that probably creates more long-term harm. ...

Gov. Mike Huckabee

INTRODUCTION

Historically, Arkansas Advocates for Children & Families (AACF) has been a central player in the development and improvement of the state juvenile justice system. In 1998, however, AACF faced a struggle that was unmatched in our 22-year history. The challenges created by a heinous crime that riveted the national eye on Arkansas were unlike any situation we had faced in the past. Historical involvement in the juvenile justice arena provided AACF the foundation and credibility that would become pivotal in our holding safe those doctrines, practices and beliefs that frame Arkansas' juvenile justice system. This report provides an account of the actions taken by this child advocacy organization to shape public policy affecting young children who commit serious violent crimes. While numerous other critical stakeholders participated in the development of a state response, only our actions are reviewed here.

It is impossible to present a description of our actions without acknowledging several other critical events that occurred simultaneously. Perhaps each of them warrants its own story, but our recollections will illustrate only how the interplay of all these events created a climate from which all the public policy solutions emerged. The following four events unfolded during 1998:

1. An investigative reporter from the only statewide newspaper prepared an expose` about the state's correctional facilities for delinquent youth. Her account portrayed serious abuse and neglect of juveniles while housed in facilities operated by the Division of Youth Services. The unusual aspect of this news story was that the reporter chose to meet with the governor to report her findings two months before the story appeared in print. Within days of the reporter's confidential conversation with the governor, he called a press conference to acknowledge the accusations and initiate a state response. The special newspaper series was not printed until the Sunday that a youth accused of a celebrated crime was scheduled to come to trial, some two months after the governor gave his reply.

2. In at least three states, school shootings had already occurred and a high school youth had killed other students. These events raised widespread public attention, in part, because they took place at sites thought to be exempt from such violence: predominately rural, white and middle-class schools. In each incident, the schools and the victims, caught by surprise, were attacked by students who had secured weaponry with plans to kill.

3. On March 24, 1998, in a suburb of Jonesboro, Arkansas, some 130 miles from the state Capitol, two children (ages 11 and 13) ambushed other 10- and 11-year-old students and their teachers in their middle school just after lunch as the students filed out of the school building after a fire alarm was pulled. The community re-

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sponded valiantly to this horrendous crime and the national press. Their activities would be constant throughout the following year as the leaders, school officials, law enforcement and parents struggled to overcome the grief, the disbelief, and ultimately, the healing from this brutal assault.

4. State policy makers struggled to respond to public scrutiny and questioning about how to keep children safe in the schools, as well as how to seek justice for victims of child shooters. These same policy makers were also confronted with how to humanely treat and rehabilitate children who commit crimes and are remanded to the state's custody.

Each of these events would engage numerous players and demand concerted time and attention by Arkansans. At times they interplayed, and ultimately, each affected the choices made and actions taken by the state in response to a tragedy unlike any suffered in the state before.

When mindless killing becomes a staple of family entertainment, when over and over children see cinematic conflicts resolved not with words, but with weapons, we shouldn't be surprised when children, from impulse or design, follow suit.

President Clinton

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BACKGROUND

The need to inform Arkansas' public policy on the issues of school violence, public safety and juvenile justice was unfolding more than a year before Arkansas was gripped by school shootings and abuse was exposed within the Division of Youth Services. In April 1997, Mary Hargrove, a senior investigative reporter with the statewide newspaper, began to delve into reports of abuse and neglect at the Arkansas Department of Human Services Division of Youth Services. She subsequently received national awards and recognition for this work. On July 1, 1997, Lee Frazier became the new director of the Arkansas Department of Human Services. A year later, he resigned under accusations that he failed to react responsibly to the abuse and neglect of juvenile offenders in his care. In August 1997, Governor Mike Huckabee was briefed by staff on reports of abuse and neglect at the DYS Observation and Assessment Center. Almost a year later, he denied that he knew any of the specifics taking place there.

On October 1, 1997, a 17-year-old boy killed two students and injured seven others at Pearl High School in Mississippi. Two months later, three students were killed in a school shooting in Paducah, Kentucky. The shock of these tragic incidents paled in comparison to what was soon to happen in Arkansas.

In January 1998, Arkansas Advocates released "Juvenile Offenders in Arkansas 1990 - 1995: A Trend Analysis," a comprehensive look at trends in juvenile justice during the past decade, with future projections. It was AACF's latest attempt to maintain a public focus on what was happening to juvenile offenders.

On Tuesday, March 24, 1998, in the small rural suburb of Jonesboro, a tragedy occurred that shocked the nation. Two young boys, ages 11 and 13, armed with 13 fully-loaded firearms and 200 rounds of ammunition, shot and killed four 11- and 12-year-old female students and a teacher on the grounds of Westside Middle School; 10 others were injured. This horrific act, involving such young children, was unprecedented and appalling.

In the state's Capitol, state leaders relied on phone calls and news reports to determine what was happening in the hours immediately following this tragedy. Much of their information came through third- and fourth-hand sources. Public response to this tragic event came both from Little Rock and Jonesboro. Responding quickly to dramatic events in the president's home state, federal authorities also made efforts to intervene in the case of these young children.

"With the recent enactment of term limits, more than half of the members of the state's House of Representatives were newly-elected policy makers."

RESPONDING TO A TRAGEDY

Governor Huckabee's first response to the shootings was deliberately cautious and appropriately reassuring to Arkansans. He noted that the state's first response should be to the victims and their families who needed time to mourn and heal from the tragic events. He recognized the rarity of such events on school grounds, stating emphatically that children were safe in the state's public schools. He cautioned that now was not the time to initiate a public policy response, but to let time pass and emotions subside before tackling changes in state policies or laws. His remarks were echoed by AACF Executive Director Amy Rossi, who, on the evening of the shootings, participated with other experts in a Public Broadcast System's live, question-and-answer broadcast to assist Arkansans in understanding the bewildering and horrifying preceding hours in a Jonesboro middle school.

As Jonesboro prepared to bury the dead and responded to the anguish of its citizens, public officials in Little Rock were planning their response. By Friday morning, legislative staff asked AACF to provide the lead testimony for the first legislative hearing about the event by the Joint Legislative Committee on Children and Youth; the hearing was scheduled for the following week. Within days, amid the mounting demands from the national media and citizens in Jonesboro, word emerged that the governor would appoint a special task force to assist him in crafting a state response to the shootings. AACF immediately contacted the Governor's Office to offer input into the selection of task force members. Appointments consisted of a broad range of stakeholders including legislators, prosecutors, juvenile judges, school officials and parents. Ms. Rossi and two AACF Board members were asked to serve. In a quickly-called breakfast meeting two days after the shooting, Ms. Rossi also met with the Arkansas bishops of three mainline religious faiths to enlist their assistance in helping tenor the public rage against children and the calls for harsh treatment of the offending youth.

AACF's history of involvement in crafting laws on juvenile justice made us a natural source for national media seeking to compare Arkansas laws with those of other states; thus, staff fielded inquiries from media throughout the world in the days after the shooting. After coordinating her prepared remarks with other scheduled speakers, Ms. Rossi testified before legislators about the rarity of such events in public schools and called on them to proceed slowly and carefully in preparing a public response to the Jonesboro shooting. She warned them about devising a quick fix or simple solution for the problems that provoke such behavior. She challenged the legislators to find ways to lessen the probability of these events rather than attending to the tragedy after it occurs. This message would be repeated on numerous occasions in the coming months.

During the first few months following the Jonesboro killings, AACF staff examined the professional literature, listened to the experts and documented the rationale for a variety of possible responses to this type of school violence. The newspaper's expose' on the abuse of children in the state's juvenile justice system further complicated the policy debates across the state. Again, AACF tried to put these recent cases of abuse in perspective and to offer solutions.

As the initial shock of Jonesboro began to settle and news of abuse within the state's juvenile justice system began to unfold, it became clear the state was facing a major dilemma and crisis of conscience about how to deal with very young serious juvenile offenders. AACF understood that the end results of this predicament would be shaped by the public's view of children, guided by the discussions and recommendations of recognized authorities within the state, and ultimately, enacted through policies adopted by legislators and administrative officials.

BUILDING A PLAN OF ACTION

First, AACF identified and contacted existing and established institutions and organizations that had shaped Arkansas' juvenile justice policy in the past. The state's juvenile judges were being called upon to suggest changes. The Governor's Office and legislative committees were convening to investigate the incidents of institutional abuse and to offer recommendations. To contribute to these discussions, AACF assembled reports and studies, reviewed historical records on juvenile justice issues in Arkansas, contacted recognized experts from the state, and began to reassert its position on children who commit violent acts, and how a state system could protect juvenile offenders from abuse. As other juvenile justice experts within the state formulated information or provided research, AACF reviewed these materials and distributed them to its own network of support.

AACF utilized its established relationships with the state's juvenile judges, consulted with former and current members of the AACF Board of Directors who were established experts in the field, contacted legislative leaders who had worked on juvenile justice issues with AACF in past sessions, and called upon leaders in the legal, medical and professional services community to identify their concerns and critical issues of debate. In addition, the American Bar Association, the National Association of Child Advocates (NACA), the Justice Policy Institute and other national groups were contacted for guidance and to gain access to experts, researchers and legislative remedies to advance thoughtful and deliberate juvenile justice reform. AACF fostered reasoned discussions about these two events through selective responses to media inquiries and consultation with allies who could help put these two events in a broader perspective. AACF preserved a constant and diligent focus on the fact that both the perpetrators and victims in these alarming events were young children.

AACF staff realized it was also time to allow the full impact of the Jonesboro shooting to sink in, to grieve, to listen to debates and to absorb all the reports in the media. Most reassuring was the fact that the state Legislature would not be in session for another eight months, allowing time to think through options and avoid "knee-jerk" responses. AACF encouraged and participated in forums where the public reactions were voiced, where diverse perspectives were expressed and where alternative solutions were suggested.

It was also evident that the families and friends of the Jonesboro victims would have creditable voices in shaping public policy. AACF staff visited Jonesboro, where they attended public events and legislative hearings organized to allow victims, law enforcement, educators, political leaders and the general public to voice their concerns. Jonesboro was a courageous and caring community that responded with great humanity and grace toward the victims of this tragedy as the anguish rippled through the community. Even in those early days, when the people of Jonesboro were searching for answers, the public recognized that the school shootings reflected deeper problems of societal violence and other failures in the systems accountable for children's behavior.

The alarming reports of the abuse and neglect of juvenile offenders in Arkansas facilities were overshadowed by the tragedy in Jonesboro. Indeed, seeming to capture the reading audience interested in Jonesboro, the newspaper ran the series on the juvenile justice facilities during the week the Jonesboro child shooters were scheduled for trial. These news reports chronicled another failure to protect children. The first article in the highly-profiled, six-part newspaper expose` was titled "Welcome to Hell." It disclosed serious health and safety concerns within the DYS Observation and Assessment Center, where youth were first held after adjudication. Subsequent articles described numerous incidents of abuse, inadequate security and client-on-client intimidation. They exposed a juvenile justice system ill-equipped to rehabilitate the youth placed in its care, and dispelled any notion that youthful offenders were getting the kind of help they needed to prevent future threats to public safety. It was this system in which the two Jonesboro shooters were to be detained and rehabilitated.

Unlike the Jonesboro tragedy, the institutional abuse of youthful offenders was not a total surprise to the state's leaders and policy makers. Even AACF staff were interviewed by the reporter during her investigation. The state's leaders were already taking action to address the problems revealed in these stories. Abuse within DYS juvenile facilities was not an entirely new issue, as it had arisen in the early 1990s when a DYS facility was closed for similar abuse.

The established credibility of Arkansas Advocates for Children & Families clearly facilitated our work in juvenile justice and enabled this project to succeed. AACF had demonstrated its capacity to under-

"These are cold-blooded, evil children, and I don't care how bad that sounds."

A Jonesboro resident

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stand the complexity of the problems, to offer reasoned alternatives and to forge a consensus among assorted interest groups seeking to find solutions. The personal relationships AACF staff and members had with key policy makers, and their affiliation with the legal, medical and religious community were deeply rooted and seasoned through years of previous experience. AACF was expected to respond, to sit at the table and to guide the discussions back to the bottom line: How will this impact children? A less-experienced player might have had great difficulty holding its ground when emotions ran high and the suffering was so acute, but not Arkansas Advocates.

Never, in its 20 years of experience, had AACF witnessed the barrage of media attention, the heightened state of interest and the sudden multi-issue focus on juvenile justice brought on by the Jonesboro shootings and the newspaper expose'. The huge influx of media attention gave the issue of juvenile justice a surrealistic quality that took time and much effort to overcome. There was a sense that the established beliefs about children were being shattered, even among AACF's longstanding allies. Clearly, something was about to dramatically change in Arkansas.

All of these observations and discussions allowed AACF to absorb the divergent views and to articulate the conflicting problems now confronting state policy makers. These efforts also helped to ensure that AACF's recommendations were presented in a way that was respectful and sensitive to the victims, while still addressing the complex legal, social and child developmental questions being considered. Eventually, the time came to call together trusted allies to help us develop an initial plan of action. It was time to move from an active listening position to a pro-active posture.

Despite our best efforts, it was the national media that was shaping the public's view and fueling the harsh rhetoric coming from policy makers. Recovering from the initial shock and putting this series of tragic events into perspective would take more time and concerted effort. It became increasingly clear that AACF needed to redirect extensive amounts of staff time and to develop additional skills and resources to adequately address this crisis.

In June 1998, AACF contacted the W.K. Kellogg Foundation to secure resources to address this crisis through public education and advocacy. AACF also contacted the Annie E. Casey Foundation, a longtime national partner in the Kids Count program, to seek advice on how to deal with the intense media coverage of these unfolding events. Both of these foundations responded quickly. During a scheduled annual meeting of child advocate executive directors on June 15, 1998, in New Orleans, AACF staff met with their colleagues from NACA, Lori Dorfman of the Berkeley Media Studies Group and Robert Schwartz of the Juvenile Law Center to think through a media strategy. At that time, the heightened media attention was concentrated on the upcoming trial of the Jonesboro shooters. In July, AACF received grant

"We do not understand what drives children, whether in small towns or big cities, to pick up guns and take the lives of others."

President Clinton

money from the W.K. Kellogg Foundation that would allow staff time to be directed to juvenile justice. Equipped with these additional resources and building on the groundwork established during the first few months following the Jonesboro shootings, AACF began a more comprehensive strategy to shape public policy.

IMPACTING POLICY THROUGH ADVOCACY

Starting from the Inside

The strength and sustenance of child advocacy are built on incremental steps, taken over extended periods of time, to establish credibility through astute and careful actions that improve outcomes for children. This credibility is anchored by personal and professional relationships created as a network of individuals tackle issues of health, education, juvenile justice, economic self-sufficiency, and the full range of issues that impact children and their families. AACF's efforts to shape public policies related to school violence, juvenile justice and public safety began by turning to this established web of reliable relationships – the AACF Board of Directors and membership, a network that contains an assortment of professionals, parents and other child advocates who represent divergent views within the state. First, we utilized their collective wisdom to determine how best to impact the current policy debate. In July 1998, the Board's executive committee, other Board members who had special knowledge and skills in juvenile justice issues, and AACF staff authored a position statement on juvenile justice. This statement was based on historical organization positions and reflected current thinking on prevention, rehabilitation and long-term public safety. The final version of this position statement included:

- seeking ways to prevent violence through early intervention with physically abusive families, conflict resolution programs in schools, and a wide assortment of after-school programs with a proven track record of success in reducing youth violence;

- recommending that children 10 -13 years of age who commit serious violent crimes be held in state custody and under juvenile court jurisdiction up to age 25;

- supporting the concept of blended sentencing or extended juvenile jurisdiction for children 14 years of age and older; and

- limiting blended sentences imposed on youth to a maximum term of years, not to include the death penalty, life without parole or life in prison.

This initial position statement addressed some key issues being considered by the Governor's Working Group on Juvenile Justice, a 27-member task force appointed by the governor to develop specific legislation to change "flaws" in the state's juvenile laws, and was formally adopted by the AACF Board of Directors. The Board, when briefed on potential areas of conflict and deliberate actions, in-

Innocence is gone.

A Jonesboro resident

structed staff to hold the line on transferring young children below age 14 to adult court and to remind stakeholders of our tradition of helping children. Once adopted, this position statement, along with a rationale for these viewpoints, was distributed to AACF members, placed on the AACF Web site, and shared with the members of the Governor's Working Group and key legislative committee members.

Another critical network for helping AACF shape policy was the Arkansas Kids Count Coalition. This Coalition, created in 1996 to address a variety of policy issues affecting Arkansas children and families, boasts a membership of more than 40 organizations from across the state that have a shared concern for children and their families. The Coalition successfully developed key public policy initiatives on child health and welfare reform during the previous legislative session. A special subcommittee on juvenile justice was created by the Coalition to ensure that the issues of school violence, public safety and juvenile justice were addressed and communicated to coalition members. This subcommittee developed, presented and obtained formal approval from the Coalition for a position statement, complimentary to AACF's position statement, that addressed the following issues:

- the need to maintain a separate system for the adjudication and treatment of juvenile offenders;
- expanded legal options for juvenile courts and enhanced rehabilitation efforts and treatment alternatives for juvenile offenders;
- opposition to lowering the age for which youth are subject to prosecution in adult criminal court;
- recommendations that the state evaluate and address reasons why race is such a powerful determinant in the arrest, detention and treatment of juveniles in the criminal justice system; and
- recognize the critical role of prevention in real attempts to control juvenile crime and violence.

In the process of developing and presenting their position statements, AACF and the Arkansas Kids Count Coalition solidified a leadership base that would contribute to the ongoing discussions on these key issues. This process enabled the membership of both groups to return to their community of support better informed. It also reinforced the need to speak up or take actions to shape the ongoing events that would continue to unfold.

Starting from the Outside

Developing laws and changing policies is both a private and a public process. The Governor's Working Group on Juvenile Justice and the various legislative committees were the public venues where the media obtained the grist for their articles and

broadcasts, where public officials exchanged ideas with the experts, and where the general public expressed their concerns. It was also where the major "players" went to establish their position and test the public's receptivity. Acquiring an established seat at the table during these public venues required either established credence gained through special knowledge and insight or specific sanctions obtained through a public mandate or political appointment. AACF staff and Board members were appointed to the Governor's Working Group and gave key testimony before the House Judiciary Committee. A Joint Interim Committee of the Senate and House was convened to explore events leading to the abuses within the Division of Youth Services and a Safe Schools Committee of the Legislature met to develop ways to improve school safety.

AACF staff and Board members attended legislative committee meetings to listen to the debate, learn more about the issues and to monitor progress in seeking solutions. AACF staff testified before such committees when asked, provided research articles and commentary to committee members, and offered written comments and recommendations when appropriate. The most critical policy decisions were considered in these public hearings and working groups prior to the convening of the legislative session in January 1999. Recommendations on school safety, juvenile law, crime prevention, rehabilitation efforts and early intervention methods to improve public safety all came from these groups.

During these meetings, extended juvenile jurisdiction and blended sentencing were first discussed, an ombudsman program to provide outside monitoring of DYS was considered, testimony was given on the effect of home visitation programs in reducing future criminal behavior, and issues of child competencies first began to unfold. Updates on these proceedings, handouts and identified sources of information were posted on the AACF Web site, e-mailed to interested members and otherwise used to inform the child advocacy network. AACF staff and Board members, Kids Count Coalition members and friends used this information when speaking with working group members, key administrative officials and community leaders.

The Media

AACF knows that to be effective, one should acknowledge that the media is not where the hard work of child advocacy takes place. The media merely serves to accelerate and amplify the issues. AACF found that the media enhanced our efforts when we were disciplined enough to guard against saying too much by developing brief statements that defined problems and offered substantive solutions. We also recognized that our ultimate target audience was those with the power to make the changes in policy.

The media's response to the Jonesboro shooting was immediate and overwhelming. This international news story brought hundreds of media agents to Jonesboro and sent hundreds more to the phones

clamoring for local perspectives and reactions. Like everyone, AACF staff first reacted with disbelief and shock, searching to understand how such a thing could happen. As a statewide child advocacy organization and having recently released a study on juvenile offender trends, AACF was quickly identified as a source for information and comment. Although staff were experienced in responding to media inquiries and had established good relationships with local reporters, the magnitude of this situation and the calls from national and international reporters was something for which we were unprepared. AACF staff determined who would respond to inquiries and how best to frame their comments to generate interest in the broader issues of youth violence and public safety.

On the day of the Jonesboro shooting, AACF was asked to help the state's public television station revamp a scheduled special broadcast and participate on a live panel discussion to help the public make sense of the Jonesboro shooting. Within days, several statewide papers, as well as *The Commercial Appeal* in Memphis, USA Today, CNN, NBC, ABC, CBS and the *New York Post* contacted AACF for comments and information. Again, our efforts were focused on putting the Jonesboro incident in perspective, understanding its place in the overall problem of violence in our society and clarifying why acts of violence by children should be understood differently from that of adults.

Once the media realized that Arkansas' current law prohibited the two Jonesboro shooters from being tried as adults and that they could not be detained beyond their 21st birthday, the media created a contentious issue and asked AACF to defend what the media cast as a seemingly inept public policy. When a staff member suggested that the current law was based on the recognition that young children have different competencies, he was quickly recruited to debate the death penalty for young children with a congressman proponent from another state on national television. This offer was rejected, believing that this would only give death penalty proponents exposure on an emotional issue. Because of the ongoing magnitude of the media attention, AACF instituted discussions with its national partners. During a June 1998 meeting of NACA executive directors in New Orleans, AACF met with media consultants and with their national colleagues to plan its media strategy.

We join the families of Jonesboro and all America in mourning this terrible loss of young life — life so full of promise and hope so cruelly cut short.

President Clinton

From this discussion, AACF staff learned how to prepare for the barrage of media attention likely to be brought on during the upcoming Jonesboro trial. When interacting with the media, staff acknowledged the role of personal responsibility in such tragic events, but also made concerted efforts to help reporters relate stories in a way that brought social accountability into the picture, at least as much as personal responsibility, so that institutions and government were seen as part of the solution. In the months following this training, AACF staff talked with the editorial board of the state's largest newspaper, published an editorial through the Arkansas Forum se-

ries, and encouraged supporters to write letters to the editor. These efforts, coupled with frequent media interviews in response to unfolding events taking place in working groups and legislative hearings, further helped to frame the issues in a broader context and to begin calling for tangible solutions.

Professional Networks

As these events continued to evolve, AACF found itself building a close alliance with the Arkansas Public Defenders Commission. The Commission's notion of how the juvenile justice system should respond in this crisis closely mirrored that of AACF. The Commission echoed concerns for lowering the age for prosecuting children in adult courts, and it recognized the importance of competency and child developmental issues in determining best practices in the justice system. In addition, the Commission represented the two youth charged in the Jonesboro shooting and many of the youth being held in DYS secure facilities. The Commission was to be a strategic and critical player in this policy initiative. The Commission's director was actively involved in the Governor's Working Group, giving valuable insight and perspective on the practical implications of various proposals on juvenile offenders and their families. The Commission and AACF often coordinated their efforts and shared information. The Commission and the Amrican Bar Association's Juvenile Justice Center worked with AACF to think through strategies and possible resources to aid in presenting missing perspectives in the public policy debate.

Other credible voices in the discussions of school violence, juvenile justice and public safety included educators, lawyers and judges, pediatricians, counselors and members of the faith community. Utilizing professional publications within the state, appearing before professional groups, and working personally with identified allies in these professional networks were important tools for shaping public policy. In the Fall 1998 edition of *The Arkansas Lawyer*, a quarterly magazine of the Arkansas Bar Association, a series of five articles on juvenile justice was published. An AACF staff member, two AACF Board members, and a longtime member of AACF were the authors of four of these articles. AACF senior program coordinator Paul Kelly's article, "Juvenile Offenders in Arkansas," received the Writing Excellence Award from the Arkansas Bar Association.

In a forum sponsored by the Arkansas Public Defenders Commission and the American Bar Association, legal professionals heard two national experts and an AACF Board member discuss the critical issues confronting the Arkansas legal community. Larry Miller of the National Center on Institutions and Alternatives outlined justifications for not increasing opportunities for youth to enter the adult system. Dr. Laurence Steinburg of Temple University discussed competency and developmental issues critical to children. Gerry Glynn, a local law school professor, explained the concept of blended sentencing. These speakers presented their perspectives to the Governor's Working

Group in a meeting in the Governor's Office the following day. Their presentation on child competency would be the catalyst for what would become an extensive debate and critical provisions during the ensuing legislative session.

The Juvenile Judges Association has always been an ally of AACF on juvenile justice issues. Unfortunately, and for the first time either organization could recall, we were split on how the state should create public policy in response to the Jonesboro shooting. The organizations' leaders had numerous conversations both by phone and in person. Often the conversations were painful, as we noted our area of disagreement. Although not unanimous in their position, the judges felt they had to support the onerous position of allowing children as young as 10 to be charged as adults for murder. Taking this position was very unusual for them and meant abandoning a long-standing consensus for keeping young children in juvenile court. The judges seemed to be persuaded by the potential political consequences of appearing to be too soft on violent kids. They thought other, more detrimentally harsh provisions would be proposed if they did not support this position. While the split in policy position was painful to the organizations' leaders, we agreed to continue talking, and the judges seemed to understand and appreciate our position of holding the line. In the end, keeping the door open for continuing communications between us proved beneficial as the political wrangling grew more difficult.

Additional efforts were made to inform the medical community. AACF staff published an article entitled "Child Development vs. Public Outrage" in the Arkansas Pediatrics newsletter. Another article written by Karen Y. Kelly, a local pediatrician and wife of AACF's senior program coordinator, titled "Understanding Juvenile Violence: An Arkansas Perspective," was published in the *Journal of the Arkansas Medical Society*. This article helped further establish the link between child abuse and later juvenile violence, and utilized numerous sources identified by AACF staff.

Informing educators and members of the faith community was accomplished through presentations to such groups as Arkansas Interfaith Conference and the Arkansas Kids Count Coalition. The Kids Count Coalition also sponsored a town hall meeting on juvenile justice at the Arkansas State Capitol, where a panel, consisting of a national expert on child development, a local child psychiatrist, a school superintendent from Jonesboro, a juvenile judge, a prosecuting attorney, a Methodist bishop and a parent, discussed their views on juvenile justice, school violence and child competencies. The town hall meeting was attended by legislators and members of the general public, and was recorded, edited and broadcast by Comcast Cable Television on numerous occasions in the following two weeks, as the Arkansas Legislature was considering several juvenile justice laws.

Key Players

Ultimately, the targets of all efforts to inform the public policy debate were those specific policy makers empowered to make the final decisions. This targeted group was the governor and the legislators who would make the laws and write the policies during the 1999 legislative session. *The questions AACF asked were: To whom do these policy makers listen? From whom do they seek advice? Whose perspectives will they consider as they seek a balance or compromise between conflicting views?* Most of these questions were being answered as AACF observed the key players at work.

For example, the diverse interests represented on the Governor's Working Group on Juvenile Justice were illustrative of the groups likely to influence these key policy makers. Some of the members, legislators, juvenile judges, prosecuting attorneys and public defenders were key players because, at their most rudimentary level, the critical issues in the debate were legal problems within the criminal justice system. Child advocates, teachers, law enforcement and mental health professionals played ancillary roles.

Despite authentic efforts by other task force group members to promote responses to this crisis through community, education and family-focused programs, it was the task force's legal subgroup that created the most controversy and attention. Their recommended changes to the state's Juvenile Code set the stage for what was going to occur during the legislative session. Two of the eight members of that subgroup had direct ties to AACF, and even they were divided over what the appropriate changes in the code should entail. It was within the context of the legal subgroup's deliberations that the issue of child competency became a core issue.

AACF staff participated in the community subgroup of the Governor's Working Group. This subgroup made recommendations on engaging adult volunteers through the America's Promise effort being promoted throughout the state, developing safe community places for youth, and sharing information among multiple service groups about at-risk youth to improve service coordination. Membership on this subgroup also allowed AACF and other child advocates to critique all other subgroup recommendations. At the public meetings, in the presence of media, AACF was provided a forum to bring up concerns that were not being fully addressed and to explain their opposition to specific recommendations. In addition, AACF's written comments were made a part of the final report.

In the end, several critical pieces of legislation would emerge from this working group's recommendations. These included changes in the ability of local multi-disciplinary teams to share confidential information regarding juvenile offenders and the creation of a new nurse-home visitation program which has proven effective in reducing future criminal behavior. The recommendations from the legal subgroup formed the framework for the legislative debate on changes in the

> ***They shot their neighbors.***
>
> **A Jonesboro resident**

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Arkansas Juvenile Code. Over the objections of AACF and a number of other task force members, the legal subgroup recommended the use of blended sentences and extended juvenile jurisdiction for children from 10 to 13 years of age charged with capital murder and murder in the first degree. Even the state's juvenile judges believed this policy to be a reasonable approach, given the likelihood that even harsher alternatives would be proposed during the upcoming session. AACF continued to point out research showing that 10-year-old children have not yet acquired adult-like competencies, and therefore, should not potentially be subjected to such harsh penalties. The group did put a cap on the maximum number of years youth could be sentenced, although longer than what AACF had recommended.

Identifying Other Critical Issues

The abuse and neglect within the Arkansas Division of Youth Services were viewed by some as a separate issue from the Jonesboro shootings. However, AACF and other advocates understood that, when considering major changes in the prosecution of youthful offenders, the state's capacity to offer rehabilitation was critical to the overall effectiveness of the state's juvenile justice system. AACF staff were interviewed by the reporter in the course of her investigations that uncovered these abuses more than six months prior to the publications of her findings. When these news reports were published, failures of the current administration became politicized.

It was an election year; the Republican administration was being scrutinized by a Legislature that was overwhelmingly Democratic. During extensive committee hearings, legislators sought to discover who was responsible for the neglect and abuse of juvenile offenders. Fingers were pointed; staff was dismissed; and accusations were batted back and forth. AACF staff attended these hearings, but did not participate until much of the smoke had cleared and the committee began looking for solutions. AACF did talk individually with key legislative committee members to point out that similar incidents of abuse and neglect had occurred in Arkansas' juvenile system seven years earlier, under a different administration, and that recent abuses likely involved some of the same staff implicated in past abuses.

The U.S. Department of Justice contacted AACF staff about the extent of abuse in the state and to assess the current administration's commitment to aggressively solve these problems. When the governor replaced the director of the DYS with a colleague who had worked closely with AACF in the past, the new director consulted frequently with AACF staff to seek advice and to provide updates on his efforts to address the problems revealed during this investigation. AACF staff contacted numerous colleagues in other states to explore effective ways to prevent ongoing abuse within these juvenile institutions. We met with representatives of the state Department of Correction to discuss their views and recommendations on proper treatment of juvenile offenders. As a result, we recommended that an independent

ombudsman program be instituted and administered under the Arkansas Public Defenders Commission to monitor the conditions and treatment of youth held in DYS secure facilities. This approach competed with a similar poposal being formulated by the state Department of Human Services that would place client advocates in each of the secure facilities. Pointing out that without an outside authority and separate chain of responsibility, such monitoring functions would be ineffective, AACF's recommendation was included in the final report of the legislative committee investigating these abuses. As a result of these efforts, the Senate co-chair of the interim committee sponsored the legislation during the 1999 session establishing the recommended ombudsman program and secured funding for two years beginning in July 1999.

Another issue that emerged during this time was gun control. Suzann Wilson, the parent of a Jonesboro victim, had taken her personal plea for restricting child access to firearms to the president. Her national credibility and statewide efforts found sympathetic allies within the state Legislature. Several key legislators began to evaluate the public views on this issue and were exploring possible legislative remedies. Once again, AACF was asked to participate in this effort and met with the steering committee. Here again were opportunities for law enforcement officials, school representatives, legislators and others to hash out their concerns and listen to various proposals to hold parents and adults responsible for safely storing their firearms. Although AACF was most sympathetic to this issue, it became an adjunct to the overriding issues currently facing the juvenile justice system. AACF simply did not have enough resources on hand to fully concentrate of this issue. However, AACF did share with its membes and allies across the state the information provided by those who championed this worthy cause.

Realizing that most of the recommendations coming out of the various working groups and legislative committees would have to be enacted during the 1999 session, AACF and the Arkansas Kids Count Coalition worked to inform incoming legislators. With the recent enactment of term limits, more than half of the members of the state's House of Representatives were newly-elected policy makers. AACF and the Kids Count Coalition sent informational materials to all primary candidates outlining numerous child issues including health, education, welfare reform and juvenile justice. The Coalition then held a candidate's forum at Arkansas Children's Hospital in Little Rock in May 1998, where the chairman of the Kids Count juvenile justice committee presented its position statement on juvenile justice. This event was attended by dozens of legislative candidates.

In December 1998, the Kids Count Coalition also held a pre-legislative conference, attended by more than 150 Coalition members, where various proposed pieces of legislation coming from the Governor's Working Group and other legislative committees on juvenile justice and school safety were presented. Legislators and key

"This horrific act, involoving such young children, wa. unprecedented and appalling.

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administrative staff were also there to present their recommendations and respond to questions.

In addition, members of the Kids Count steering committee made personal visits with key legislative leaders to present their positions on juvenile justice, welfare reform, health care, and other child and family issues.

As AACF came to the end of the Kellogg-funded year-long juvenile justice project, the accumulated information and research provided a broad perspective on the multitude of issues encompassed in the state's search for solutions to serious juvenile crime, school violence and public safety. The long-standing network of reliable relationships established through years of advocacy work had been reinvigorated, and those people most likely to shape public policy had been given ample opportunities to explore alternative solutions. A foundation was now laid to begin the difficult task of reaching agreement over how best to serve the people of Arkansas as their lawmakers were set to enact legislation during the 1999 session.

In preparing this report, personal interviews were conducted with the state's key decision-makers who were intimately involved in shaping the final outcomes adopted into law. When asked to describe the role AACF played in this year-long effort, they said:

"You were there; you were prepared and thoughtful."
"You spoke for the children, and helped to balance the debate."
"You were able to say what others were hesitant or afraid to say."

Perhaps that says it all!

"Never, it its 20 years of experience, had AACF witnessed the barrage of media attention, the heightened state of interest and the sudden multi-issue focus on juvenile justice brought on by the Jonesboro shootings and the newspaper expose`."

EXPRESSING THE PUBLIC WILL

Child advocates become involved in legislative advocacy because children are excluded from the electoral process. While indirect representation of parents, family members and self-appointed guardians of youth may help to enact laws in the best interest of children, lawmaking is essentially left up to adults. Legislators are the custodians of children during the legislative session when they are charged to consider, and then to pass or reject, a multitude of legislative proposals that have direct impact on the lives of children. Issues of health, education, child welfare and juvenile justice are examined within a process and structure dominated by adult interests. During legislative sessions, child advocates help to balance the political scale. Legislation often harbors adult reactions or perspectives without fully recognizing children's needs and interests. This balance is critical if full consideration of a public policy's intent and impact on children is to be appreciated and children are to be well serve.

The importance of legislative advocacy was illustrated during the 1999 Arkansas legislative session as sweeping changes in the administration of juvenile justice were being proposed. Arkansas Advocates was often the lone voice willing to trumpet the need for legislation that held true to the long-term "best interests of children" as adults reacted to recent events in the state. The loss of innocent lives gunned down by young children in a Jonesboro schoolyard penetrated the public image of youth and focused attention on the culpability of these young children.

Arkansas' legislators assemble on a biennial basis for a session that lasts approximately 90 days. Therefore, more than a year passed before Arkansas legislators decided what laws were needed in response to the Jonesboro tragedy. AACF's established statewide network of child advocates was the base used to launch a legislative advocacy effort during the 1999 session, and the impact of that legislative advocacy was measured by the civility of the laws finally adopted in reaction to public outrage and fear resulting from Jonesboro. The passage of those laws and the corresponding use of public funds to address problems of juvenile justice was the Legislature's ultimate goal and the final expression of the public will.

After the tragedy in Jonesboro, elected officials felt that if a child committed an adult-like act, such as murder, the child had forfeited his childhood and should rightfully be prosecuted as an adult. Others wanted to draw the line between child and adult culpability at a specific age level of either 10 or 12. Still others felt that a child of any age should be considered eligible for adult prosecution for serious crimes if that child met specific mental competency standards. At the same time, prosecutors were seeking more discretion in filing juvenile cases in either juvenile or adult criminal court, while juvenile judges

Protecting our children from school violence is more than a matter of law or policy. At heart, it is a matter of basic values, of conscience and community.

President Clinton

hoped to increase the likelihood that such cases would originate in their courts where more services and options were available. These perspectives were further magnified by proposals to establish blended sentencing provisions where youth could receive both juvenile and adult sanctions. All of these judicial solutions were being considered in the backdrop of a state juvenile incarcerating system found to be ineffective and abusive toward youthful offenders.

INFLUENCING LEGISLATORS

Due to recently enacted term limits, the 1999 Arkansas General Assembly convened with 56 new members of its 100-member House, and five new members of the 35-member Senate. Juvenile legislation would be created by a record number of new officeholders who knew little of the history and operation of the juvenile justice system. To counteract this naivete` was a limited number of seasoned legislators who would take the lead in shaping the proposed bills on juvenile justice. AACF's task was to fully inform new legislators and rekindle the longstanding personal relationships with experienced legislators who would play the most critical role in shaping the state's response to the Jonesboro shootings and the maltreatment of youth within DYS. As the old adage says, "All politics is personal," and AACF's ability to influence legislators, particularly new ones, depended on personal contacts made with officeholders by the legislators' local constituents.

The groundwork laid by AACF and the Kids Count Coalition prior to the session provided a foundation and the rationale for how best to hold youth accountable for terrible acts of violence. AACF's longstanding involvement in juvenile justice reform gave it credibility with new legislators especially when it was reinforced with support from their local constituents. AACF's research and position statements emphasized that young children should be protected from harsh treatment that failed to recognize the special needs and capacities of children. Our ultimate goal was a juvenile justice system that held children accountable for their actions by effectively rehabilitating them within the care of the state juvenile justice system that assured youth would re-enter their community with the skills to live productive and crime-free lives.

In Governor Huckabee's opening remarks to the 1999 Arkansas General Assembly, he noted the critical role of juvenile justice policy during the legislative session. He promoted the use of blended sentencing for juveniles charged with serious crimes and promised to provide a secure detention facility for violent juvenile offenders until their 21st birthday. He also alluded to the need for crime prevention programs. During the first few weeks of the session, Mr. Kelly, the designated lobbyist for AACF on issues of juvenile justice, met individually with each member of the House and Senate Judiciary committees. He also met individually with members of the legislative delegation from Jonesboro. During Mr. Kelly's conversations with each legislator, he asked for their view on prosecuting children under age

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14 in adult criminal court, shared AACF's position on blended sentencing, answered legislators' questions, and responded to those who voiced strong support for prosecuting younger children in adult criminal cour. These personal visits were followed up with copies of the Kids Count and AACF position statements on juvenile justice, as well as copies of research briefs or articles that supported these position statements. Many legislators remained undecided, waiting to hear the recommendations from a group of legislators and administration officials who were working on a specific piece of juvenile legislation. These individual visits provided AACF with a sense of the legislators' views on juvenile justice and guided the process for designing a more detailed legislative advocacy effort. Mr. Kelly also attended all meetings of the Senate and House Judiciary committees to better understand the ideologies on juvenile justice and themes being articulated by committee members as they interacted as a group.

To help develop a more thoughtful discussion and implement an effective legislative strategy on juvenile justice, AACF convened weekly meetings with supportive representatives from the legal, religious, youth service, social work and psychological professional communities who were actively engaged in lobbying efforts for their organizations. Sympathetic legislators were occasionally included in those strategy sessions where the legal implications of proposed draft legislation were discussed, where local constituents of key legislators were identified and organized to contact legislators, where effective lobbying strategies were weighed, and where written materials used to strengthen our position on issues of child competency were shared. These weekly meetings also provided a periodic "head count" of supportive legislators, as well as a feedback loop for discussing the arguments offered in opposition to our position. The legislative contacts made as a result of these efforts provided key legislators with an early indication of the strength and diversity of support in the state for maintaining a juvenile justice system respectful of the unique position of young children.

It was immediately evident that the best hope for a reasoned response to controversial juvenile justice issues would originate within the Senate Judiciary Committee. This Senate committee was composed of attorneys who were influential, seasoned and well-informed legislators with an established history of working closely with AACF on juvenile justice legislation in previous sessions. This committee membership was in stark contrast to the House Judiciary Committee, where the majority of members were first-time legislators. An important part of our successful strategy depended on legislation being sponsored, introduced and amended within the Senate Judiciary Committee.

CONSIDERING THE OPTIONS

An early draft of proposed juvenile justice legislation was developed by a member of the House Judiciary Committee in April 1998. It allowed a child of any age to be prosecuted in adult

court for murder. Other draft legislation was proposed by the Governor's Working Group on Juvenile Justice and the state's juvenile judges several months prior to the session. The areas of disagreement in these proposals centered on several key provisions. These included whether a child of any age should be subject to blended sentencing; the content of evaluations used to measure child competency; the extent of prosecutor discretion and transfer authority in juvenile cases between criminal and juvenile courts; and the maximum sentence imposed on youth convicted of serious violent crimes.

At the start of the legislative session, these issues remained mostly unresolved between the key participants in the debate: the Governor's Office, juvenile judges, selected members of the House and Senate Judiciary committees, prosecutors, child advocates and public defenders. Soon after the session began, closed informal meetings were held with select members of those groups that legislators thought would most influence the debate. Legislative sponsors hoped to reach a compromise on legislation that provided extended juvenile jurisdiction, or blended sentencing, for serious juvenile offenders. By the end of the first few meetings, legislators and the Governor's Office determined that only one bill would be offered for consideration during the session, hopefully supported through negotiations between the interested parties.

Shortly after that decision was made by key legislators, Paul Kelly was invited to participate in these closed meetings, another example of AACF having an important seat at the table. Mr. Kelly worked in concert with attorneys from the Public Defenders Commission to analyze the specific legal repercussions and impacts of various proposals introduced during these meetings. He was also the constant voice that reminded legislators, prosecutors, judges and others that childhood competency factors were very different from that of adults, a position clearly documented in the professional literature. He questioned legislator claims of widespread public support for the harsher treatment of very young violent offenders, and reminded group participants that the final outcome of placing young children in harsh adult or juvenile correctional systems without appropriate rehabilitation would merely return to the community adults incapable of functioning in society and more likely to commit additional crimes. Mr. Kelly used these meetings and personal contacts to challenge those quick to impose harsh consequences on youth without any corresponding support for effective prevention programs and improvements in the state's rehabilitation of youthful offenders.

The most significant outcome of these informal meetings came several weeks into the session when an agreement was reached that would allow children of any age to be subject to blended sentencing for first degree and capital murders. This concession on eliminating the age limit was reached only because its sponsors agreed to impose comprehensive and strict competency standards prior to determining that a child was capable of full adult-like culpability. They

also agreed to require that children less than age 14 be presumed incompetent, and placed the burden of proving competency with the prosecutor. An equally significant concession, one that contributed to AACF's support for this proposal, was a change restoring sole jurisdiction to juvenile court for youthful offenders who committed a variety of felony offenses previously allowed to originate in criminal court. These provisions were agreed upon by the lead sponsors of the bill in the House and Senate, and the "Extended Juvenile Jurisdiction" bill was draftd with these provisions.

However, as this new bill was about to be introduced, a delegation from the Jonesboro area met with the bill sponsors and expressed grave concern with the proposal. As a result, the sponsors agreed to alter the provision that presumed all children less than age 14 to lack mental and criminal competency. The age for a presumption of incompetence was subsequently lowered from ages 13 and under to ages 11 and under. This meant that the prosecution was required to overcome the presumption of incompetence only for those ages 11 and younger charged with murder. The competency of youth ages 12 and 13 was assumed to be adult-like, and the defense was given the burden to prove otherwise. More important, under this amended version, the strict requirements for determining competency were no longer the same for these 12- and 13-year-old youth.

This last-minute decision to alter the original proposal and reduce the age and requirements for proving competency was a major setback for AACF and others. Such a provision conflicted with established research on child competency and appeared to be a betrayal of the agreed-upon concessions necessary for AACF to support provisions that exposed a child of any age to adult prosecution. Reversing these last-minute changes required a series of committee debates and subsequent amendments offered by child advocates during judiciary committee hearings. AACF, juvenile judges and public defenders won incremental improvements to these provisions during subsequent committee hearings on the proposed bill. The first amended change restored the strict competency requirements for all children less than age 14. The next amendment returned the presumption of incompetency to those youth ages 11 and 12, restoring these key provisions to the final law.

As expected, the Senate Judiciary Committee became the focal point for some of the most critical debates on juvenile justice. With financial assistance from the American Bar Association's Juvenile Justice Center, Dr. Thomas Grisso, a national expert on child competency, testified before this committee to explain the rationale and professional research supporting the different competency skills of children at specific age levels. AACF Board member Wiley Branton, also a juvenile judge, testified before this committee to ask that the state establish competency as an "affirmative defense" in juvenile court cases. Mr. Kelly testified before the committee to urge amendments to the Extended Juvenile Jurisdiction bill so that all children less than

"... Legislators and the [governor] determined that only one bill would be offered for consideration during the session, hopefully supported through negotiations between the interested parties."

age 14 would be presumed incompetent and subjected to the strict competency requirements required of younger children. In the midst of these final debates, the Arkansas Kids Count Coalition held "Kids Count Day at the Capitol," where youth, parents and child advocates from across the state visited with their individual legislators to discuss legislation affecting youth. The town hall meeting on juvenile justice was held as a part of this day-long event, which concluded with a reception for legislators. All of these activities and testimony occurred within the final days of the debate on the Extended Juvenile Jurisdiction bill in the Senate.

What is more important, perhaps, was the role played by the chairman of the Senate Judiciary Committee, one of the most respected and knowledgeable legislators in the Senate. He met with AACF staff at numerous times throughout the session to be updated on our progress, to provide his assessment of the proposed legislation, and to offer suggestions on the strategy necessary to win the support of other committee members. His advise proved invaluable as AACF developed their strategy. Although the chairman chose to work behind the scenes, he publicly supported AACF's recommended amendments at key junctures in the debate on the proposed Extended Juvenile Jurisdiction Act.

Prior to each amendment being considered in a committee, AACF used blast faxing, e-mail and phone calls to inform our network of statewide supporters about the timing of important votes and advising them of the most current amendments being considered. Included in these advisories were the contact numbers for all Judiciary Committee members. The more active members of this network often gathered outside the House and Senate chambers on the day of critical votes to call undecided or key legislators off the floor and seek their support for the bill and its amendments. The cumulative effect of these lobbying efforts ultimately increased protections for youthful offenders and improved existing law.

The result was an Extended Juvenile Jurisdiction Act that established one of the most stringent competency requirements in the country. This act also changed provisions in the current law so that more children would remain under the custody of the juvenile justice system by reducing the enumerated offenses that allow for the prosecution of young children in criminal court. It requires rehabilitation plans to be developed for each serious offender committed to DYS by the courts, and for young offenders to remain in the juvenile treatment system until age 16, even if they are sentenced as an adult. All of these provisions are viewed as successful measures that are in the best interest of children, and have also established the key factors likely to shape Arkansas' future debates on how to address serious juvenile crime by young children.

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SEEKING HUMANE AND EFFECTIVE REHABILITATION

During the legislative session, child advocates made a parallel legislative effort to create a juvenile ombudsman program to monitor rehabilitation efforts withing DYS facilities and protect youthful offenders from any future incidents of abuse. This ombudsman proposal was first recommended by AACF to the Joint Interim Committee on Children and Youth that was investigating widespread abuse of juvenile offenders within DYS prior to the session. Upon request of the co-chairmen of the Children and Youth Committee, Mr. Kelly presented this proposal to a joint meeting of the Senate and House Judiciary committees prior to the session, where it received a guarded but favorable response. Although the Children and Youth Committee members were to be the sponsors of the ombudsman legislation, it would have to win approval from the Judiciary Committee before going to the chamber floor for a vote, so it was important legislators be familiar with the proposal.

In preparing for the legislation, AACF staff contacted child advocate colleagues in Tennessee and Rhode Island to discuss the specific details of their states' ombudsman programs and to formally design legislation creating a similar program in Arkansas. To ensure outside and independent oversight of the state's Division of Youth Services, AACF proposed establishing this ombudsman program under the administration of the Arkansas Public Defenders Commission. The Commission was already engaged in defending juvenile offenders, helping establish treatment objectives for the juveniles' rehabilitation, and establishing relationships with juveniles' families during court proceedings. This put the Public Defenders Commission in an excellent position to continue their advocacy role on behalf of the juveniles, but now as an ombudsman also.

Soon after the 1999 legislative session began, AACF presented draft legislation and a biennial budget for the ombudsman program to the co-chairmen of the Joint Interim Committee on Children and Youth. They decided to sponsor the legislation, with the Senate co-chairman agreeing to be the primary sponsor. The ombudsman bill conflicted with a proposal being promoted by DHS to place child advocates, hired and supervised by the department, in each of the DYS-operated facilities. Mr. Kelly met with several administration officials who eventually agreed to AACF's ombudsman proposal after assurances that the Commission would cooperate with DHS staff. DHS officials and the Governor's Office were persuaded that a state governmental entity separate from DHS was a more effective and credible and less expensive method of ongoing oversight. The DHS proposal was abandoned, and the ombudsman bill passed through both chambers within weeks of being introduced.

The more difficult problem was finding the $400,000 annual appropriation for the Public Defenders Commission to operate the ombudsman program. The Commission's biennial budget was already a subject of controversy for some legislators. It was, therefore, difficult

> ***"And to children who are troubled, angry or alone, we must extend a hand before they destroy the lives of others and destroy their own in the process."***
>
> **President Clinton**

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for the Commission to aggressively advocate for an additional $800,000 in revenues when they were struggling to adequately fund their own attorneys throughout the state. The job of lobbying for these funds fell to Mr. Kelly, who was having a difficult time finding any additional funds late in the session. Even the co-chairman of the Children and Youth Committee, who served on the Joint Budget Committee, was unable to identify any source of revenue.

With less than three weeks remaining in the legislative session, and just days before the last appropriations bills could be introduced, a source for these funds was yet to be identified. Having discussed this shortage of funds and the need for the ombudsman program extensively with various colleagues working with the Legislature, Mr. Kelly learned of surplus funds in the state's Administration of Justice account. He immediately contacted the Senate sponsor and asked that he visit with the chair of the Special Language Subcommittee to change the Administration of Justice's appropriation language to allow these funds to be used for the ombudsman program. After conferring with other colleagues in the Legislature to confirm the availability of these funds, the Senate sponsor obtained support for such a proposal. It was literally hours before the deadline for introducing such language that the change was approved and a two-year appropriation was found, making the ombudsman program a reality.

These successful legislative advocacy efforts began almost a year before the final enactment of laws that provided a reasonable compromise on extended juvenile jurisdiction for violent juvenile offenders and a newly-established ombudsman program. These new laws are likely to improve the long-term outcomes for youth charged with serious crimes. However, their implementation and ongoing role in the state's juvenile justice system will remain penetrable. Arkansas has a deep-rooted history of increasingly punitive responses to crime that will likely reappear in the years ahead if there is an increase in crimes committed by youth. It will be crucial that advocates continue to monitor what happens to youth charged with serious crimes as their cases unfold in local jurisdictions throughout the state. The monitoring of what happens between legislative sessions provides the only method for evaluating the real impact of these changes. Child advocacy requires constant vigilance of the impact of such legislation, the acual consequences to the daily lives of Arkansas children, to measure the value of these legislative advocacy efforts. It will be these outcomes and consequences to children that will also help to shape the work of AACF in future Arkansas legislative sessions.

"The strength and sustenance of child advocacy are built on incremental steps, taken over extended periods of time, to establish credibility through astute and careful actions that improve outcomes for children."

REALIZING OUR EFFORTS

The efforts made to inform public policy resulted in the enactment of important laws passed during the 1999 Arkansas legislative session. The following is a summary of those laws:

The Extended Juvenile Jurisdiction Act

This was the Legislature's flagship response to the Jonesboro shooting. This act established a blended sentence, or extended juvenile jurisdiction, option for youthful offenders. If adjudicated, these extended juvenile jurisdiction youthful offenders would first receive a juvenile sentence and then be subject to adult sentencing at a hearing prior to other court action or release. Some of the provisions included:

- Youth less than age 14 charged with capital or first degree murders who are found competent are subject to extended juvenile jurisdiction.

- The juvenile court has exclusive jurisdiction over juveniles ages 14 and 15 charged with more than 50 crimes, and the state is permitted to file a motion to transfer youth to circuit court or request extended juvenile jurisdiction designation for these enumerated charges.

- Juvenile and circuit courts have concurrent jurisdiction over youth 14- and 15-years-old charged with capital and first degree murders and five additional sericus violent felony offenses, allowing prosecutors discretion in filing in either juvenile or circuit court.

- It authorizes children convicted of first degree murder or capital murder to receive a sentence of up to life in prison.

Crucial standards of competency were adopted to offset the exposure of young children to such harsh punishment:

- Youth less than 13 are presumed incompetent to stand trial, and the state must prove competency.

- 13-year-old youth are also subject to high competency standards with the defense assigned the burden to prove incompetence.

- Unlike previous criteria, this new act requires an in-depth and thorough assessment of mental and judicial competency including social, clinical and developmental histories. Competence measures include mental status data, psychological testing, comprehensive intelligence tests, a reliable episodic memory, logical decision-making abilities and multi-factored problem solving.

Other provisions that improved previous juvenile justice conditions included:

- The law requires DYS to prepare a treatment plan and submit it to the court within 30 days of a juvenile's commitment.

- No juvenile under age 16 will be placed in the adult system. If the court imposes an adult sentence prior to a youth's 16th birthday, the child will be housed in DYS, segregated from other delinquents.

The comprehensive standards and new provisions of this act will result in more 14- and 15-year-old serious offenders entering juvenile court, where more rehabilitation options hopefully exist, are seen as progressive attempts to improve outcomes for children. The real value of this new law will emerge as these tragic cases of violence unfold and rehabilitation efforts are developed in the ensuing years.

The Juvenile Ombudsman Program

Enacted in response to the abuse and neglect within DYS, this program is now being implemented. Under the auspices of the Public Defenders Commission, these ombudsmen monitor rehabilitative efforts provided within all DYS secure facilities. They serve as liaisons for the adjudicated offender, sentencing court, family members and DYS. Periodic reporting to legislative committees and administration officials is also required to keep legislators informed on conditions within DYS.

The Division of Youth Services

Additional laws were enacted to address concerns within the DYS. The five new acts require: (1) increased training and education requirements for employees; (2) legislative notice of any DYS efforts to privatize current functions; (3) random health inspections and security audits of DYS facilities; (4) segregation of juvenile offenders by age and seriousness of crime; and (5) establishment of a facility for juvenile offenders ages 18-21.

Public Safety

Act 954 provides exceptions to the release of arrest, detention or court records upon written court order. Disclosure is limited to specifically-named individuals and only for the purpose of obtaining services for the child to ensure public safety. Medical and other personal records remain confidential unless permission is given by the parent. In addition, Act 1451 gives the Arkansas Crime Information Center access to delinquency adjudication records in felony or Class A misdemeanor cases where violence or a weapon is involved.

School Safety

Act 1520 requires school personnel to report all threats of violence or acts of violence on school property to local law enforcement authorities or face prosecution. Act 1149 holds parents responsible for

allowing minors to possess firearms on school property if they fail to report such incidents. They can be found guilty of Class B misdemeanor.

The following related bills were introduced during the session but failed to be enacted:

SB243 This would have given school directors and their designee immunity from civil liability for administering corporal punish to students when in compliance with the district's written student discipline policy and they employ reasonable force when safety is threatened during school activities.

SB394 The Child Protection-Parental Responsibility Act, this legislation would have required guns be kept in a place reasonably inaccessible to minor children in an effort to protect children.

SB428 This would have given immunity to school personnel or volunteers who use reasonable force to control someone who threatens the safety of others on school property or functions, and would have provided immunity to public school directors, employees and volunteers for certain actions.

HB1543 This would have made it a misdemeanor for any child under 18 to carry a handgun except in situations outlined in bill (hunting), making it unlawful to carry a weapon on person or in vehicle on school or higher education institution.

It is far easier to build strong children than to repair broken men.

Frederick Douglas

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SHARING OUR LESSONS

The Kellogg Foundation urged us to find ways to share our experiences in this project with others. We have found this to be a relatively easy task due to the rather constant, albeit isolated, episodes of school violence that have continued to rock the nation since our state's own school shooting incident in 1998. Our presentations have led to discussions on the role of media in shaping public policy; the moral, legal and psychological implications of juvenile justice policy; and specific skills or approaches needed by child advocacy organizations faced with similar crisis situations. Professionals were encouraged to collaborate with others outside their individual areas of interest, and to recognize the diverse organizational strengths and resources needed to effectively shape critical public policy debates during times of crises.

Two organizations have repeatedly called our staff for assistance and numerous presentations were made Ms. Rossi and Mr. Kelly. Mr. Kelly worked very closely with the American Bar Association's Juvenile Justice Center. Due to that relationship, he was invited to make two presentations to American Bar committees. The first meeting with the executive committee of the American Bar Association's juvenile justice committee was made May 5, 1999. This presentation drew an invitation to make a presentation to the full committee during the national meeting of the American Bar Association on August 7, 1999. Members were particularly interested in our strategy to move the state to adopt rigorous competency measures for children before charging them as adults. The 100-member committee of judges, law school professors and well-respected juvenile justice advocacy groups have requested copies of this report. These meetings have also generated an invitation to submit an article for the ABA's quarterly publication, *Criminal Justice*. Mr. Kelly is collaborating with former AACF Board member Gerald Glynn, now a professor at Barry University School of Law in Florida, on this article.

When the shooting in Littleton, Colorado, occurred, Mr. Kelly immediately provided advise to our NACA colleagues at Colorado Children's Campaign. We e-mailed them specific information they needed and directed them to our Web site for other information we posted in response to Littleton. Mr. Kelly was also called by several Colorado reporters and provided information about how Arkansans responded to this kind of incident. At the annual meeting of NACA executive directors in June, Ms. Rossi led a panel on how child advocates are challenged to respond to heinous acts of school violence.

Mr. Kelly conducted a workshop for personnel from child advocate organizations throughout the country on tackling public policy reform when a state experiences school violence. This workshop also encouraged personnel to pro-actively address violence prevention before an incident occurs. This workshop occurred on August 9 in Kentucky.

AACF staff have also worked closely with the Academy of Pediatrics though various Board members, and in particular, Dr. Warren Skaug, a Jonesboro pediatrician and violence prevention advocate. He has worked in several communities that have experienced school violence after the Jonesboro incident. He believes strongly that pediatricians should have an active role in preventing violence, and they are one of the community stakeholders who can make a difference at the local level.

Indeed, seeming to capture the reading audience interested in Jonesboro, the newspaper ran the series on juvenile justice facilities during the week the Jonesboro child shooters were scheduled for trial.

CHRONOLOGY OF EVENTS

1997

April Mary Hargrove, a senior investigative reporter with the *Arkansas Democrat-Gazette*, begins her examinations into the abuse of juvenile offenders in the state's custody.

June Mary Hargrove interviews AACF staff Paul Kelly about problems within DYS.

July Lee Frazier becomes the new director of the Arkansas Department of Human Services.

August According to documents in a State Police report, Governor Huckabee is briefed on reports of abuse at the DYS Observation & Assessment Center. In an Aug. 13 report to the governor from his chief DHS liaison, she specifically mentions founded cases of abuse and neglect at the facility. In June 1998, the governor would deny knowing any of the specifics.

October A 17-year-old male students shoots and kills two classmates and injures seven others at Pearl High School in Mississippi.

AACF board member Gerard Glynn publishes "Arkansas' Missed Opportunities for Rehabilitation: Sending Children to Adult Courts" in the University of Arkansas at Little Rock Law Journal, Vol. 20, Fall 1997, No.1.

December Three female high school students are killed by a male classmate in a school shooting in Paducah, Kentucky.

1998

February Ruth Whitney resigns from DYS and becomes the new director of the DHS Division of County Operations.

March Larance Johnson becomes interim director of DYS.

March 24 The Day of the Jonesboro Shootings Two boys, ages 11 and 13, kill five classmates and a teacher and injure 11 others in a shooting at Westside Middle School in Jonesboro, Arkansas.

AACF Executive Director Amy Rossi, along with three physicians, participate in a live panel discussion about the Jonesboro shootings on the Arkansas Educational Television Network.

March 26 Attorney General Janet Reno considers whether any federal laws would allow Jonesboro shooters to be held beyond their 18th birthday.

AACF's Amy Rossi meets with state religious leaders to urge their leadership in this crisis.

AACF receives word that the governor is appointing a task force to make recommendations on the state's response to juvenile violence.

March 27-28 AACF receives news inquiries from around the world.

March 31 Janet Reno and other high ranking officials attend a memorial service in Jonesboro attended by 8,000 people. Governor Huckabee announces the creation of the 27-member Working Group on Juvenile Justice that will develop specific legislation to change "clear flaws" in the state's criminal laws. AACF's executive director, two Board members and several members of AACF are appointed to this group.

April 1 AACF's director and a board member offer testimony before the Corrections and Criminal Law and Juvenile Justice Subcommittee of the Arkansas House Judiciary Committee urging caution before major changes are made in the state's Juvenile Code.

A conference call is held between staff of the Children's Clinic of Jonesboro, local police, community service agencies, school district representatives and Dr. Howard Spivak, head of the American Academy of Pediatrics Task Force on Violence, to discuss work that has brought tangible reductions in child violence in Boston. Dr. Spivak is invited to visit Jonesboro to meet with this group personally.

April 6 The father and the attorney for Jonesboro shooter Mitchell Johnson state, in an interview with Barbara Walters, that Mitchell was sexually molested as a younger boy by the relative of a daycare worker seven years ago. The next day the mother states that she did not know of this incident.

April 10 $175,000 donated to Jonesboro victims is used to pay for all burial expenses and each victim's family receives $7,500 from the Jonesboro United Way

April 13 AACF receives a copy of "On Killing: The Psychological Cost of Learning to Kill in War and Society" by retired Lt. Col. Dave Grossman of Jonesboro, a book that affirms the impact and power of video games on youth.

April 15 A member of the House Judiciary Committee proposes legislation that would allow any child accused of premeditated murder to be tried as an adult. It stops short of allowing for a death penalty sentence.

The Arkansas attorney general appoints an advisory council on preventing juvenile violence.

400 delegates, including AACF Executive Director Amy Rossi, join Governor Huckabee and Lt. Governor Rockefeller at the Arkansas Promise state summit.

April 22 The first meeting of the Governor's Working Group on Juvenile Justice is held. AACF's director is assigned to community service subcommittee. An AACF board member is assigned to the legal subcommittee.

April 24 Governor Huckabee makes a surprise inspection at the Observation and Assessment Center in North Little Rock. Acting DYS Director Larance Johnson is asked to resign after only six weeks on the job.

April 26 The juvenile judge hearing the Jonesboro case says that he will make his decision in an open courtroom and in public.

A statewide poll conducted by the state's largest newspaper indicates:

- 51% believe youth of any age should be tried as adults for murder
- 93% felt juvenile should not be set free when they reach adult age regardless of their crime
- 94% thought sentences for juveniles should include provisions to serve time in adult prisons.

May 4 The Safe Schools Committee of the state Legislature meets to adopt its mission. AACF staff contact Representative Shane Broadway, chair of the committee, to offer information and resources.

May 5 State representative from Glen Mills School calls AACF director to gain support for a managing contract to cover DYS facilities.

May 6 Arkansas Kids Count Coalition hosts a primary candidates forum. Approximately 25 candidates for state legislative positions meet with 75 Kids Count members. The Kids Count position statements on health, education, juvenile justice, and welfare reform are read, and candidates respond.

May 7 The Community Services Subcommittee of the Governor's Working Group on Juvenile Justice meets for the first time.

May 11 At the AACF board meeting, position statement on juvenile justice is adopted.

May 18 The headlines read: "Anger remains after shootings in schoolyard." Westside parents form the Parents Against Violence Everywhere (PAVE) organization. The new organization's first project is to lobby the Legislature to change the age at which a child can be charged as an adult.

May 22 Arkansas DHS fires seven employees who work with troubled youth.

May 28 AACF director goes to Jonesboro and meets with pastors, pediatricians and counselors.

The Senate and House Judiciary committees announce they will hold their June meeting in Jonesboro.

May 30 Governor Huckabee announces the release of his book titled "Kids Who Kill," an exploration of the factors that cause juvenile violence, and how this violence can be stopped.

June 1 Paul Doramus, former legislator and Boys Club director, becomes new director of DYS.

The legislative committee that is to recommend ways to recognize violent youth puts together a draft proposal that includes safety awareness, prevention and intervention through character education, problem solving, conflict resolution, positive self concepts and the consequences for being involved in gangs.

June 2 The headlines read: "Fighting words draw swift action at schools." Suspensions and arrests follow student threats of violence in several Arkansas schools and across the country.

June 5 AACF asks the Annie E. Casey Foundation to provide AACF consultation on the development of a media strategy in response to the Jonesboro shootings.

June 9 Mayors, school officials, and medical personnel from Jonesboro and the other four U.S. communities racked by school violence participate in a daylong conference in Memphis, Tennessee, organized by Mayor Jimmy Foster of Pearl, Mississippi.

AACF submits a written request for funding from the W. K. Kellogg Foundation.

June 10 President Clinton, in his weekly radio address, says that schoolyard shootings can be traced to showbiz violence.

The judge in the Jonesboro case postpones the adjudication hearing set for June 17th.

June 12 AACF director writes guest editorial entitled "Who'll Watch the Kids?" for the Arkansas Times. The editorial urges the creation of an oversight "ombudsman" for DYS.

June 14 The Arkansas Democrat-Gazette runs the first article in a six-part series about the problems at DYS, including the physical abuse of youngsters. The first article in the series is entitled "Welcome to Hell." It provides evidence that children have been physically and sexually abused, hog-tied and forced to sleep on floors next to waste from overflowing commodes.

June 15 The second article in the Arkansas Democrat-Gazette's six-part series is published. This article features a youth

who is incarcerated at DYS for stealing two packs of cigarettes. This juvenile witnessed physical assaults and various forms of abuse before it happened to him.

The Annie E. Casey Foundation provides AACF staff and their national child advocate colleagues with a workshop on media relations.

June 16 The former attorney for one of the Jonesboro shooters accuses the new public defenders and the local prosecutor with misconduct in regard to the case.

Debbie Pelley, a teacher from Jonesboro, testifies in Washington, D.C., before the Senate Commerce Science and Transportation Committee that Jonesboro shooter Mitchell Johnson, age 13, was influenced by rap music.

June 17 A legislative hearing set for Jonesboro is rescheduled once again.

June 18 The mother of one of the Jonesboro victims speaks at a Washington, D.C., news conference and says Congress should adopt legislation intended to make it harder for children to gain access to guns.

Headlines read: "Johnson criticizes son's defense lawyer." The father of the 13-year-old Jonesboro shooter says his son needs better legal help because the public defender allowed the boy to be interviewed by authorities without anyone present.

"Curbing antisocial behavior cited as way to reduce violence." A pediatrician at Arkansas Children's Hospital speaks to the Governor's Working Group urging them to implement programs, such as the David Olds model home visitation program, at an early age.

June 19 Governor Huckabee announces he'll close the DYS Observation and Assessment Center.

June 20 The new director of DYS is grilled by the joint legislative committee that is looking into charges of abuse and neglect within the department.

June 21 The third article in Arkansas Democrat-Gazette's six-part series is published and titled "Kids, chaos, and cover ups." This article focuses on the reoccurring problems at DYS facilities, and attributes these reoccurring problems to staffing.

June 22 The fourth article by the Arkansas Democrat-Gazette explores harsh treatment of youth at a state-contracted wilderness camp.

June 24 Lee Frazier announces that he will resign as director of DHS amid allegations that he did not appropriately handle the problems at DYS exposed by the Arkansas Democrat-Gazette's series.

The judge in Jonesboro case issues a gag order for all those involved in the case.

June 28 The fifth in the newspaper's six-part series of reports on DYS is published and titled, "Tangles, troubles: Time for Change - The new DYS director faces long must-do list."

June 29 The final article is the newspaper's six-part series explores what is in store for delinquents in the future.

During a debate between candidates in the governor's race, the main rival of sitting Governor Huckabee accuses him of abuse and mismanagement.

Arkansas Representative Ted Thomas is quoted, "I've gotten more comments from people who don't like that part of the bill. They say 'just fry the b*****s'."

July 1 Subgroups of the Governor's Working Group on Juvenile Justice close their meeting to the press.

AACF receives notice of funding from the W. K. Kellogg Foundation.

The Justice Policy Institute releases its report, "School House Hype: School Shootings and the Real Risks Kids Face in America."

July 8 Suzann Wilson, mother of a Jonesboro victim, joins President Clinton in Washington to plea for efforts to keep guns out of the hands of children.

July 10 The Arkansas Psychiatric Association sponsors a presentation by Larry Stone.

July 11 The Joint Interim Committee on Children and Youth holds its first hearing about the problems of abuse and neglect within DYS.

July 13 The state decides to turn DYS abuse investigation over to the county prosecutor to determine if criminal charges are warranted. (No criminal charges were ever brought.)

There are only 38 (down from 61) youth in the Observation & Assessment facility. It is due to close in the next 30 days per the governor's order.

July 14 AACF staff attend the hearing of the Joint Interim Committee on Children and Youth and the Judiciary Committee held in Jonesboro, which includes a tour of Westside Middle School. At a hearing in the auditorium at the local university, parents and teachers give testimony about blended sentencing, gun safety and penalties for children who kill.

July 15 AACF staff attend meeting with Judiciary Committee members, the Arkansas State Police and Jonesboro officials.

AACF staff meet with a local Jonesboro youth service provider who had contracts with DYS to operate serious offender programs and aftercare programs for juvenile offenders.

Headlines in the Jonesboro Sun read: "Victims Urge Changes in Juvenile Laws."

Headlines in another paper read: "Mom to call before trial in Jonesboro, 14th birthday." The mother of one of the Jonesboro shooters says she plans to telephone her son and comfort him because he will be tried for murder on his 14th birthday.

"Who'll take the fall over youth services?" This article is in response to the coming legislative hearings on DYS.

AACF staffer Paul Kelly publishes an Arkansas Forum editorial on juvenile justice. He is interviewed by a radio station in Jonesboro regarding a victim's mother's quote calling for harsh treatment of the Jonesboro shooters.

AACF director attends the Governor's Working Group on Juvenile Justice meeting.

July 22 The Arkansas Kids Count Coalition holds a three-hour workshop on legislative advocacy at the Arkansas State Capitol. Sixty participants hear panel discussions by leaders in the non-profit community, legislators, lobbyists and legislative staff.

July 24 AACF staff meet with the newly-hired director of DYS to discuss his progress implementing cleaning, construction, and triage work within the DYS facilities.

The Legal Subcommittee of the Governor's Working Group on Juvenile Justice recommends making children as young as 10 eligible to receive time in adult prisons for murder convictions. It also recommends blended sentencing.

July 27 A joint interim legislative committee meets to discuss DYS problems and interviews Gary Staggs of DYS Internal Affairs, who accuses others of covering up the abuse.

July 28 AACF responds to a call from the Department of Justice, Civil Rights Division, Special Litigation Unit regarding the abuse at DYS.

July 29 State experts hired in the Paducah, Kentucky, school shooting case find no signs of mental illness in the 15-year-old youth charged in that case.

The director of DHS says two of his former staff members at DYS panicked about news reports of abuse of children in their custody and began trying to blame him, accusing him of ordering them to keep the abuse from DHS officials.

July 30 AACF staff meets with the Public Defenders Commission to discuss the proposal being suggested to the Governor's Task Force on Juvenile Justice. The juvenile judges are backing blended sentencing for convictions of capital murder, first degree murder and second degree. AACF staff agrees to bring together a group to discuss this issue, to contact outside people to bring in as witnesses regarding child development realities, to get a copy of the sheriff's survey pointing out their reluctance to lower the age to 10, and to make personal contact with members of the Governor's Task Force that we know.

July 31 AACF staff get a call from the National Mental Health Association asking if we would help CNN arrange meetings with family members of youth who had experienced problems within DYS around the recent allegations. Staff refuses.

AACF staff distributes to legislators a Utah Law Review article by Richard Redding(1997:709 No.3, pp 709-763) that reviews what the social sciences have taught us about the issues of juvenile justice. Mr. Redding is also asked to be a resource or expert for the upcoming debates and discussions.

AACF staff call juvenile judges to ascertain their support for the draft proposal to lower the blended sentencing age down to 10.

August 1 Two former officials at the DYS Observation and Assessment Center in North Little Rock are accused of covering up the abuse and are fired by the new DHS director. (On July 12, 1999, one of these employees would reach a financial settlement of $60,000.)

An article in the paper reports that when school opens in Pearl, Mississippi, a program of conflict resolution will be held for each day of the first two weeks of school.

August 8 Governor Huckabee visits the Indian Mall in Jonesboro to present a $10,000 check to Westside school and the community of Jonesboro. He promises that if the two shooters are convicted, the state will build a facility to house the youth up to their 21st birthday.

August 10 Two boys, ages 7 and 8, are charged in the death of an 11-year-old neighbor in Chicago. (They will later be found innocent.)

August 11 The adjudication hearing of the Jonesboro shooters is held and over by early afternoon. The older youth pleads guilty; the other pleads innocent, but is found guilty after a two-hour trial. The public defender raises the competency issue for this 12-year-old, but the judge rejects the argument. There is not the kind of media feeding

frenzy that is expected at the hearing.

AACF answers call from ABC about the cost of operating the juvenile justice system in Arkansas. The Commercial Appeal in Memphis, Tennessee, asks AACF what might actually happen to the Jonesboro shooters while in DYS custody.

August 12 Two National Guard helicopters transport the two adjudicated youth from Jonesboro to the Alexander Services Center in Central Arkansas. The cost of the transport is $6,000 and is viewed as necessary because of death threats against the boys.

The North Little Rock DYS Observation and Assessment Center is closed.

AACF receives copies of a draft proposal developed by the juvenile judges on blended sentencing. AACF schedules a meeting with the judges.

August 14 AACF board members Gerry Glynn, an attorney, Wiley Brandon, who is a Pulaski County juvenile judge, and Collette Honorable, also an attorney, along with Juvenile Judge Gary Arnold, chair of the Juvenile Judges Association, DiDi Sallings of the Public Defenders Commission and several AACF staff meet to discuss blended sentencing.

August 16 Suzann Wilson, mother of Jonesboro victim, speaks before the Jonesboro Kiwanis Club to urge gun control measures.

August 18 The AACF position statement on juvenile justice is approved by the AACF executive committee.

August 19 AACF staff attend a workshop sponsored by the Public Defenders Association. Larry Miller from the Virginia-based National Center on Institutions and Alternative, Laurence Steinberg of Temple University and Gerry Glynn of Arkansas are the featured guests.

August 20 AACF staff and the experts from the Aug. 19 workshop meet with the Governor's Working Group. The headline in the Jonesboro Sun reads " 'Get Tough' wrong approach to school shootings".

August 24 AACF staff attend joint interim legislative committee meeting where recommendations for correcting problems DYS are discussed.

September 1 In a news article, the director of the Greater Jonesboro United Way, which oversees the Westside Crisis Fund, says donations for the Jonesboro victims totaled more than $350,000 and the current balance is $196,000, pointing out that none of the victims families had received any of the funds since April. Some of the donated money was used to hire an on-campus police officer for the school and to pay for a banquet for teachers returning to school this term.

September 2 Law enforcement and criminal justice experts testify before the Senate Judiciary's Youth Violence Subcommittee in Washington. They recommend more prevention and early intervention programs.

September 4 Andrew Golden, the 11-year-old Jonesboro shooter, seeks an appeal of his Aug. 11 juvenile court adjudication, based on the court's denial of the motion about the competency question.

September 16 The Governor's Working Group meets at the Alexander Unit where preliminary recommendations are discussed.

A representative of the Department of Justice calls AACF staff again about the situation within DYS.

September 17 AACF staff, a board member, and a longtime AACF member submit articles on juvenile justice to the Arkansas Law Foundation's Arkansas Lawyer magazine fall edition.

AACF staffer Paul Kelly participates in a live radio interview on the nationally-syndicated Judy Jarvis Radio Show (Connecticut) regarding the need to have juvenile offenders tried as adults.

AACF staff attend a nationally-televised conference on juvenile violence.

September 20 Joint Interim Committee on Children and Youth holds its first formal hearings into the abuse and neglect that took place within DYS.

September 24 Joint Interim Committee on Children and Youth meets again to receive testimony from former interim director of DYS.

September 26 Joint Interim Committee on Children and Youth meets again.

September 28 Joint Interim Committee on Children and Youth puts several investigators and state personnel under oath before testimony is given.

October 2 AACF staff meet with the current director of the Division of Youth Services and member of the Governor's Working Group. The discussion centers around the recommendation of the Working Group, the need for oversight of DYS from an independent entity, and the general state of operations at DYS.

October 9 The Arkansas Coalition for Juvenile Justice, a citizen-based group appointed by the governor to advise the

General Assembly and the governor on juvenile justice and delinquency prevention issues, tells the governor it favors no change in the age and sentencing limits in the state's Juvenile Code.

October 14 AACF staff meet with Juvenile Justice Subcommittee of Kids Count Coalition and develops their position statement on juvenile justice. This statement is approved by the subcommittee and later adopted by the Kids Count Coalition.

October 19 AACF visits with a key senator and member of Senate Judiciary Committee at his office.

Members of the Kids Count Steering Committee meet with President Pro Tem of Senate Jay Bradford to present views on welfare reform, health, and juvenile justice.

October 22 AACF Director Amy Rossi has a lengthy conversation with the chairman of the Senate Judiciary Committee.

October 28 The final meeting of the Governor's Working Group on Juvenile Justice is held. They delay the vote on the legal subcommittee's recommendation until assurances that a child's mental and legal competency would be first established and that a maximum length of sentence be imposed for youth who commit murder. AACF voices several objections to the limited nature of the recommendations and will submit additional comments in writing

October 30 AACF staff submits an article entitled "Child Development vs. Public Outrage" to the Arkansas Pediatrics newsletter.

The second wrongful death suit is filed by victims' families in the Jonesboro cases.

November 2 Arkansas Lawyer magazine publishes a series of articles on juvenile justice.

A meeting is held of the AACF executive committee to discuss the agency's position on blended sentencing and approve the position statement.

November 3 Election Day Governor Huckabee is elected. More than 50 percent of the state House of Representatives are newly-elected.

The judge overseeing the Jonesboro case holds hearing to determine matters of restitution to the victims and school in Jonesboro killings. He wants to make sure the two shooters do not profit, in any way, from these crimes.

November 4 Saying that they purposefully waited until after the election, the Joint Interim Committee on Children and Youth releases its draft report from their hearings claiming that Governor Huckabee "failed to take affirmative action to remedy the abuse" in a timely way at DYS. The report lists 10 people in the Governor's Office and at DHS who were in positions to know about the abuse.

Paul Doramus resigns as director of DYS after only five months in that position.

AACF staff meet with the executive director of the Public Defenders Commission to explore final plans for an ombudsman program to provide oversight at DYS.

November 9 AACF staff meet with Lt. Governor Win Rockefeller to review the Governor's Working Group proposal and AACF's position.

November 10 AACF staff meet with Senator Roebuck from Jonesboro to discuss AACF's position on the treatment of violent juvenile offenders.

November 12 The Arkansas State Supreme Court rules that children under age 14, even those with a long history of mental problems, do not have the right to raise an insanity defense in criminal charges.

AACF staffer Paul Kelly speaks to the Interfaith Alliance's Annual Assembly regarding the need for reasoned judicial reactions to Jonesboro and the oversight of DYS.

November 15 AACF submits written comment to the Governor's Working Group addressing opposition to the lowering of the age for which children can be prosecuted as adults and the need for a maximum sentence in child murder cases, and requests a broader look at different models for home visitation programs.

November 16 The first meeting of the AACF Juvenile Justice Committee is held at the Public Defenders Commission to develop strategy for dealing with current proposals to lower the age for prosecution of children, blended sentencing, and responses to problems at the Division of Youth Services.

November 20 Officials from DHS visit the Jefferson County Juvenile Justice Center to clear up policy and practice at this facility regarding the use of shackles and denial of food to juvenile detainees as a behavioral tool.

November 20-21 AACF staff participate in the Citizens First Congress in Hot Springs to assist them in the development of their legislative agenda for the session.

November 29 The headlines read: "Schools that seek to be safer require clear backpacks".

December 2 The AACF Juvenile Justice Committee meets at the Public Defender's Commission to finalize its legislative strategy plan for the upcoming session.

December 3 A meeting of the Governor's Working Group on Juvenile Justice is held in the Governor's Office where the final recommendations are presented. The legal subcommittee recommends the use of blended sentences, reducing the age to 10 years.

December 9 The Arkansas Kids Count Coalition hosts a pre-legislative conference that is attended by more than 100 child advocates from across Arkansas. Focus is given to juvenile justice during meetings with legislators and breakout sessions.

December 29 In a meeting of the Joint Interim Committee on Children and Youth, legislators further discuss their recommendations for improvements at DYS.

December 30 An editorial titled "Put 'em away: Is it the Arkansas way?" written by editorial staff of the *Arkansas Democrat-Gazette* discourages lowering the age to 10.

1999

January 8-9 At the AACF Board and Staff Retreat, AACF's position on juvenile justice, our efforts to inform and shape the debate on the issue, and the staff resources being funneled to that objective are discussed.

Week of January 11 Arkansas 82nd General Assembly opens

January 11 Dr. Karen Y. Kelly, assistant professor of pediatrics at two local hospitals, publishes "Understanding Juvenile Violence: An Arkansas Perspective" in the Journal of the Arkansas Medical Society.

January 20 AACF staff appear before a statewide gathering of mainline church activists to present our position and thoughts on juvenile justice.

The Hatch-Sessions Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999 is introduced in the U.S. Congress.

January 22 Staff of the Department of Human Services, the Public Defenders Commission and the Juvenile Judges Association meet to work on blended sentencing legislation.

January 25 AACF staff appear before the Arkansas Black Caucus to request support for the Kids Count Day at the Capitol.

February 3-4 Several meetings are held between the Public Defenders Commission, the Administrative Office of the Courts, the Governor's Office, legislative leaders, and prosecutors to work out legislation that would combine the recommendations of the Governor's Working Group with those coming out of the House and the Senate Judiciary committees.

February 8 AACF staff meet with Larry Norris, Dr. Mary Parker and G. David Williams of the Arkansas Department of Corrections regarding the privatization of DYS services and the potential use of DOC to operate program for juvenile offenders.

February 17 Legislators make a surprise tour of the Youth Services Center.

The mother of Jonesboro shooting victim is taunted by gun rights advocates on the steps of the state Capitol.

The Arkansas Kids Count Day at the Capitol is held for citizens from across Arkansas to come and meet with legislators, attend committee meetings, and participate in a Town Hall Meeting on Juvenile Justice.

Dr. Thomas Grisso, a noted psychologist from the University of Massachusetts Medical School who participated in the town hall meeting, testifies before the Senate Judiciary Committee regarding child competency and the need to consider the youths' mental health, intelligence, and other factors in determining such competency.

March 23 The Extended Juvenile Jurisdiction bill passes out of the House Judiciary Committee

March 24 Jonesboro holds a memorial service for those killed in the school shooting a year earlier.

April 7 A signing ceremony for the Extended Juvenile Jurisdiction Act is held in the Governor's Office.

April 20 School shooting at Columbine High School in Colorado.

May 5 DYS proposes to convert a financially-strapped juvenile detention facility in Southeast Arkansas into a state facility for older children who have committed violent crimes.

May 20 The new DYS director states that the Southeast Arkansas facility should be made available by June 2000.

A15-year-old youth wounds six schoolmates in Conyers, Georgia, using his stepfather's rifle and .357 Magnum.